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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/541,994	04/03/2000	J. Julian Paas	CA9-99-043	4706

25259   7590   07/28/2004

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EXAMINER
BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
2157	13

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 May 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-16* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

This Office Action is in response to amendment filed May 3, 2004. Claims 1, 3-16 are

presented for further examination.

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1.   Claims 1-11, 13-16 are rejected under 35 U.S.C. 102(e) as being anticipated by

Matsuo.

As per claims 1, 13, and 16, Matsuo discloses a method of executing a software

application, comprising the steps of:

- Calling the software application residing on a server from one of a plurality of clients,

    the clients and the server connected to each other through at least one network, the

    software application having a plurality of policy frameworks, each associated with a

    respective one of the plurality of clients (column 3, lines 13-20, column 4, lines 11-

    20, column 6, lines 30-34);

- Launching a container/desktop of one of the plurality of clients consistent with the respective policy framework of the one client (column 6, lines 13-20, 39-50);

- The container/desktop initializing and communicating to the server to execute a script of the application (column 4, lines 11-30, column 5, lines 14-35, column 6, lines 13-33, 53-60);

- Executing the script on the server, the script downloading a first user-interface component of the application to the container/desktop (Abstract, column6, lines 30-33, column 7, lines 30-34);

- The container/desktop executing the first user-interface component (column 7, lines 38-55);

- First user interface component linking to and starting another user-interface component of the application (column 7, lines 50-55);

  - Closing the first user-interface component (column 6, lines 64-67);

  - The container/desktop executing and closing the subsequent user-interface component (column 6, lines 64-67).

As per claim 3, Matsuo discloses:

- The container/desktop removing the user-interface components from memory within the client as each first and subsequent user-interface component is closed (column 6, lines 64-67).

As per claim 4, Matsuo discloses a method of executing an application having a

plurality of tasks to be interactively executed with a user, said method comprising:

- Downloading to a one of a plurality of container/desktops only those of a plurality of

  user-interface components consistent with a policy/framework of the one

  container/desktop, the user interface components stored on a server needed to

  perform a first task of the plurality of tasks of an application according to a script

  executing on the server (column 3, lines 13-20, column 4, lines 11-20, column 6,

  lines 13-20, 39-50);

- Downloading to the one container/desktop only those user-interface components

  stored on a server needed to perform a subsequent task of the plurality of tasks of

  an application according to the script (column 7, lines 38-55);

- Executing subsequent task on the one container/desktop (Abstract, column6, lines

  30-33, column 7, lines 30-34);

- Closing said downloaded user-interface components needed to perform the task

  when no longer needed (column 6, lines 64-67);

- Purging said closed user-interface components from said container/desktop when

  said closed user-interface components are no longer needed (column 6, lines 64-

  67);

- Repeating steps (c) and (d) (Figure 4);

- Repeating steps (e) through (g) until all of the plurality of tasks is completed (Figure

  4).

As per claims 5 and 14-16, Matsuo further discloses a computer server comprising:

- A processor, a memory, a bus, and at least one I/O port by which to communicate with a remote client having a container/desktop (column 3, lines 11-20)

- An operating system with which to coordinate the processor, the memory, the bus, and the at least one I/O port to communicate to the client (column 3, lines 11-20);

- An application comprising a plurality of tasks to be executed on the container/desktop, the application stored in memory of and executing on the server (Abstract, column6, lines 30-33, column 7, lines 30-34);

- A script of the application stored in the memory of and executing on the server (Abstract, column6, lines 30-33, column 7, lines 30-34);

- A plurality of user-interface components stored in the memory, the script comprising code executing on the server to connect the user-interface components to comprise the application wherein the application launches the container/desktop on the client that interacts with the script executing on the server to download from the server to the container/desktop only those user-interface components required for a current task executing on the container (column 6, lines 13-20, 39-50, column 7, lines 30-34);

As per claim 6, Matsuo discloses a client device comprising:

- A container/desktop (column 3, lines 11-20);

- An I/O port with which to communicate to one or more servers having software

  applications invoking a plurality of tasks on the container/desktop, scripts, and user-

  interface components for the application (column 3, lines 11-20);

- An interactive medium with which to interact with a user, wherein when the user

  uses the interactive medium to request an application from the server, the script and

  the application executing on the server downloads only user-interface components

  to the container/desktop needed by a current one of the plurality of tasks executing

  according to the script and and wherein the container/desktop discards the user-

  interface components no longer needed by the application (column 3, lines 13-20,

  column 4, lines 11-20, column 6, lines 30-34);

  As per claim 7, Matsuo discloses:

- Wherein the container/desktop comprises code for implementation of the user-

  interface component on a personal computer (column 7, lines 38-55).

  As per claim 8, Matsuo discloses:

- Wherein the container/desktop comprises code for implementation of the user-

  interface component on a voice-response unit (column 3, lines 40-50);

  As per claim 9, Matsuo discloses:

- Wherein the container/desktop comprises code for implementation of the user-

  interface component on a network computer (column 7, lines 38-55).

As per claim 10, Matsuo discloses:

- Wherein the container/desktop comprises code for implementation of the user-interface component on a persuasive mobile device (column 7, lines 11-19).

As per claim 11, Matsuo discloses:

- Wherein the container/desktop comprises code for implementation of the user-interface component on a second server behaving as a client (column 7, lines 38-55).

2.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Popp et al. (hereinafter "Popp", 6,249,291 B1) in view of Matsuo.

As per claim 12, Popp discloses a method to script user-interface components to create an application stored on a server and whose user-interface components are downloaded to one of a variety of container/desktop of different clients, said method comprising:

- decomposing the presentation logic of the application into a plurality of tasks to be performed interactively with a user on the client (column 7, lines 13-20, 45-57, column 8, lines 32-40, 44-48, column 10, lines 46-52);

- for each of the tasks, creating a state diagram having a plurality of nodes wherein a user-interface component is associated with at least two of the plurality of nodes (column 8, lines 28-31, 44-46, column 12, lines 44-53);

- writing a script connecting each of the user-interface components in accordance with the state diagram and a policy framework of the container/desktop, wherein said script and said user-interface components are stored on at least one server to which said client is connected and said script executes on said server to download said user-interface components to said container/desktop on an as needed basis (column 12, lines 53-67, column 13, lines 42-67).

Popp does not explicitly disclose each one policy framework being unique to one of said variety of container/desktops of different clients and downloading to container/desktop of said client and in accordance with the policy framework unique to said container/desktop of said client.

However, in an analogous art, Matsuo discloses this feature (column 3, lines 13-20, column 4, lines 11-20, column 6, lines 13-33, 53-60).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a policy framework being unique to one of said variety of container/desktops of different clients and downloading to container/desktop of said client and in accordance with the policy framework unique to said container/desktop of said client in Popp's method in order for each remote apparatus or device to execute assigned script programs which it receives from the server.

Response to Arguments

The Office notes the following arguments:

(a)   Hirabayashi cannot negate patentability under 35 U.S.C. 102(e) because it does not fulfill the criteria. Its foreign priority date cannot override the requirements of 35 U.S.C. 102(e).

In response to:

(a)   Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Barbara N Burgess whose telephone number is (703)

305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (703) 308-7562. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 872-9306

for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

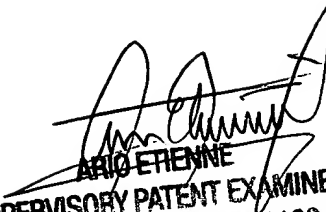proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

Barbara N Burgess
Examiner
Art Unit 2157

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July 12, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100